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10 Attorneys for Plaintiff
11 WEST SALEM MACHINERY CO., INC.

12 UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14 Nevada Railroad Materials, LLC, a
15 California limited liability company;
16 Nevada Railroad Materials, Inc., a Nevada
17 corporation (herein jointly known as
18 "NRM"),

19 Plaintiffs,

20 vs.

21 West Salem Machinery Co., Inc. (herein
22 known as "WSM"),

23 Defendant.

No. CIV. S-04-1930 FCD DAD

**AMENDED STIPULATION FOR
ISSUANCE OF AMENDED STATUS
(PRETRIAL SCHEDULING) ORDER**

Complaint Filed: September 16, 2004
Trial Date: Not Yet Set

STIPULATION

FOR ISSUANCE OF AMENDED STATUS (PRETRIAL SCHEDULING) ORDER

24 Plaintiffs Nevada Railroad Materials, LLC, a California limited liability company; Nevada
25 Railroad Materials, Inc, a Nevada corporation, (herein NRM) and Defendant West Salem
26 Machinery, Inc. (herein WSM) stipulate to the issuance of the Amended Status (Pretrial
27 Scheduling) Order, a copy of which is attached hereto as Exhibit A .

28 Good cause exists for amendment of the Status (Pretrial Scheduling) Order in that:

1 (1) Plaintiffs and Defendant are attempting to informally settle or narrow the scope of
2 issues in this case by arranging for an inspection of the hogger, which is the subject of this action
3 and a supervised trial-run of the machinery;

4 (2) Plaintiffs and Defendant could not arrange for the inspection and trial-run until
5 mid-November through early December;

6 (3) The inspection and trial-run referenced above may result in the collection of
7 information and data significant to both the settlement efforts of the parties and the opinions and
8 reports of experts;

9 (4) Deferral of the dates for disclosure of experts and service of expert reports may
10 result in substantial savings to the parties in expert witness fees; and

11 (5) Except as amended herein, the Status (Pretrial Scheduling) Order issued in this
12 matter on March 30, 2005, will remain in full force and effect.

13 DATED: October 27, 2005

14 WILKE, FLEURY, HOFFELT,
15 GOULD & BIRNEY, LLP

16
17 By: /s/
18 THOMAS G. REDMON
19 Attorneys for Defendant
WEST SALEM MACHINERY CO., INC.

20 DATED: October 27, 2005

21 LAW OFFICES OF DALE W. MAHON
22 By: /s/_____
23 DALE W. MAHON
24 Attorney for Plaintiffs
25 NEVADA RAILROAD MATERIALS, LLC
26 and
27 NEVADA RAILROAD MATERIALS, INC.

AMENDED STATUS (PRETRIAL SCHEDULING) ORDER

This matter having come before the Court by Joint Status Report filed March 21, 2005; the Court having issued a Status (Pretrial Scheduling) Order on March 30, 2005; good cause appearing therefor and pursuant to stipulation of all parties, the Status (Pretrial Scheduling) Order previously issued is amended as follows:

1. PARAGRAPH V. DISCLOSURE OF EXPERT WITNESSES is hereby amended to provide:

All counsel are to designate in writing, file with the court, and serve upon all other parties the name, address, and area of expertise of each expert that they propose to tender at trial not later than December 15, 2005. The designation shall be accompanied by a written report prepared and signed by the witness. The report shall comply with Fed.R.Civ.P. 26(a)(2)(B). By January 15, 2006, any party who previously disclosed expert witnesses may submit a supplemental list of expert witnesses who will express an opinion on a subject covered by an expert designated by an adverse party, if the party supplementing an expert witness designation has not previously retained an expert to testify on that subject. The supplemental designation shall be accompanied by a written report which shall also comply with the conditions as stated above.

2. Except as amended herein, the Status (Pretrial Scheduling) Order issued in this matter on March 30, 2005, shall remain in full force and effect.

DATED: October 28, 2005

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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